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Government of Kerala
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Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 2nd April 1977 / 12th Chaithra 1899 [No. 202

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2899/LA4A/77. *Dated, Trivandrum, 2nd April 1977.*

The Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Bill, 1977 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1977.

Fifth Kerala Legislative Assembly

Bill No. 3

THE SREE PANDARAVAKA LANDS (VESTING AND ENFRANCHISEMENT) AMENDMENT BILL, 1977

A

BILL

further to amend the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971.

Preamble.—WHEREAS it is expedient further to amend the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971, for the purpose hereinafter appearing;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Act, 1977.

(2) It shall be deemed to have come into force on the 1st day of August, 1975.

2. *Amendment of section* 13.—In section 13 of the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 (20 of 1971) (hereinafter referred to as the principal Act), in the proviso to sub-section (1), for the words "four years", the words "six years" shall be substituted.

3. *Repeal and saving.*—(1) The Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977 (2 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 13 of the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971, provides that the Sree Padmanabha Swami Temple shall not be entitled to collect the arrears of rent accrued due before the appointed day (1-8-1971) and was outstanding on that day and that the Taluk Tahsildars shall be entitled to collect such arrears of rent and interest thereon asif they were arrears of public revenue due on land. According

to the proviso to the said sub-section as amended by the Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Act, 1975, if a landholder pays within four years from the appointed day, in such manner as may be prescribed, an amount equal to the arrears of rent for a financial year or the actual arrears outstanding on the appointed day, whichever is less, together with interest thereon, all arrears of rent shall be deemed to be fully discharged.

2. The rules under the said Act, namely, the Sree Pandaravaka Lands (Vesting and Enfranchisement) Rules, 1974 could be issued only on 16-10-1974. According to rule 9 of these rules which lays down the manner in which the landholder has to pay the arrears of rent under the proviso to sub-section (1) of section 13, the Special Tahsildar shall prepare a list of defaulters showing the amount of arrears of rent due from each landholder and send it to the concerned Taluk Tahsildar for recovery. The preparation of the list of defaulters as required by the said rule has not been completed and therefore the landholders have not been able to pay the arrears within the period of four years from the appointed day. Therefore, it was considered necessary to amend the proviso to sub-section (1) of section 13 with a view to give a further period of two years, that is, six years from the appointed day, within which the payment of arrears could be made. Since the Legislative Assembly was not in session, the proposal was given effect to by promulgating the Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977 (2 of 1977). The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

C. H. MOHAMMED KOYA

Government of Kerala
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KERALA GAZETTE

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Vol. XXII] Trivandrum, Saturday 2nd April 1977 / 12th Chaithra 1899 [No. 203

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2898/LA4/77. *Dated, Trivandrum, 2nd April* 1977.

The Kerala Debt Relief Bill, 1977 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1027/B

Fifth Kerala Legislative Assembly
Bill No. 4

THE KERALA DEBT RELIEF BILL, 1977

A

BILL

to provide relief from indebtedness to certain persons in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide relief from indebtedness to certain persons in the State of Kerala;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Debt Relief Act, 1977.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 13th day of January, 1977.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "appellate authority" means an appellate authority appointed under section 6;

(2) "agricultural land" means land used for agriculture or horticulture, not being land appurtenant to a residential building;

(3) "artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and includes a person who normally earns his livelihood by practising craft, either by his own labour or by the labour of the members of his family, in a rural area.

Explanation.—For the purposes of this clause, "rural area" means an area which for the time being is not within the limits of a city constituted under the Kerala Municipal Corporations Act, 1961 or a Municipality constituted or deemed to be constituted under the Kerala Municipalities Act, 1960;

(4) "creditor" shall include the heirs, legal representatives and assigns of the creditor;

(5) "debt" means any liability in cash or kind, whether secured or unsecured, due from or incurred by a debtor on or before the date of commencement of this Act, whether payable under a contract, or under a decree or order of any court, or otherwise, and subsisting on that date, but does not include—

(a) any sum payable to—

(i) the Government of Kerala or the Government of India or the Government of any other State or Union Territory in India or any local authority; or

(ii) the Reserve Bank of India or the State Bank of India or any subsidiary bank within the meaning of clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 or the Travancore Credit Bank (in liquidation) constituted under the Travancore Credit Bank Act, IV of 1113; or

(iii) a corporation owned or controlled by the Government of Kerala or the Government of any other State or Union Territory in India or the Government of India, or a Government Company as defined in the Companies Act, 1956; or

(iv) the Tea Board constituted under the Tea Act, 1953, or the Coffee Board constituted under the Coffee Act, 1942, or the Rubber Board constituted under the Rubber Act, 1947, or the Cardamom Board constituted under the Cardamom Act, 1965; or

(v) any co-operative society, including a Land Mortgage Bank, registered or deemed to be registered under the Co-operative Societies Act for the time being in force; or

(b) any sum payable to any corresponding new bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; or

(c) any liability arising out of a breach of trust or any tortious liability; or

(d) any liability in respect of maintenance, whether under a decree of court or otherwise; or

(e) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; or

(f) any debt which represents the price of goods purchased; or

(g) any liability for which a charge is provided under sub-clause (b) of clause (4) of section 55 of the Transfer of Property Act, 1882; or

(h) any rent payable in respect of any building; or

(i) any rent or michavaram payable in respect of any land; or

(j) any debt or debts due to a widow at the commencement of this Act, provided that the value of the property owned by her at such commencement, including the principal amount of the debt or debts so due, does not exceed ten thousand rupees.

Explanation.—For the purposes of this sub-clause, the house in which the widow lives, her wearing apparel or similar personal belongings shall not be regarded as property; or

(k) any liability incurred or arising under a chitty or kuri which is registered or licensed under the Travancore Chitties Act, 1120, or the Cochin Kuries Act, VII of 1107, or the Kerala Chitties Act, 1975, or conducted under any chit fund scheme, and which has not terminated one year before the commencement of this Act:

Provided that nothing in this sub-clause shall apply to the liability of a foreman incurred or arising under any such chitty or kuri where the foreman is a co-operative society registered or deemed to be registered under the Co-operative Societies Act for the time being in force.

Explanation.—For the purposes of this sub-clause, a chitty or kuri shall be deemed to have terminated—

(i) when the period fixed in the variola or vaimbu or kuripattika or the period as altered by a subsequent special resolution for the duration of the chitty or kuri, has expired; or

(ii) when the legal representative of a deceased foreman or the guardian of a foreman of unsound mind or the subscriber or subscribers selected therefor fails or fail to conduct the chitty or kuri or to make suitable arrangements for the further conduct of the chitty or kuri; or

(iii) on the failure of the foreman to pay the prize amount to the subscriber within one month from the due date thereof; or

(iv) on the failure of the foreman or foremen to conduct the chitty or kuri at any instalment or on any other date before the next instalment as may be agreed upon in writing by a majority of the non-prized subscribers:

Provided that if there are more foremen than one and one or more of such foremen is or are living and is or are not disqualified to conduct the chitty or kuri, the chitty or kuri shall not be deemed to have terminated if there is provision in the variola or vaimbu or kuripattika enabling the remaining foreman or foremen to conduct the chitty or kuri or if the non-prized subscribers agree by a special resolution to the conduct of the chitty or kuri by the remaining foreman or foremen; or

(l) any debt due to any banking company as defined in the Banking Regulation Act, 1949; or

(m) any amount due on account of any goods to a financier who financed the purchase of such goods and whose principal business is to finance the purchase of goods; or

(n) any sum advanced for the purposes of agriculture by any institution receiving financial assistance from the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963.

Explanation I.—For the purposes of this clause,—

(i) the liability of a surety who is a debtor shall be deemed to be a debt within the meaning of this Act, notwithstanding that the principal debtor is not a debtor for the purposes of this Act;

(ii) where a debt has been split up in any manner whatsoever, whether before or after the commencement of this Act, and fresh documents have been executed in respect of different portions of the debt, each such different portion shall be a debt.

Explanation II.—Where the debt is a liability in kind, the value of the commodity shall be commuted at the market rate prevailing on the date on which the debt was incurred;

(6) "debtor" means any person whose annual income does not exceed two thousand and four hundred rupees, from whom any debt is due and includes—

(a) a landless labourer;

(b) an artisan; and

(c) a kudikidappukaran,

but does not include—

(i) any person assessed to salestax on a turnover which in the aggregate is not less than twenty thousand rupees in any two years within the three years immediately preceding the commencement of this Act, under the Kerala General Sales Tax Act, 1963, or the Central Sales Tax Act, 1956, or the law of any other State relating to sales tax;

(ii) any person assessed to income-tax under the Income-tax Act, 1961, in any two years within the three years immediately preceding the commencement of this Act, and whose total income for the purposes of the said Act exceeded eight thousand rupees per annum;

(iii) any person assessed to agricultural income-tax in any two years within the three years immediately preceding the commencement of this Act, under the Agricultural Income-tax

Act, 1950 or under any other law relating to agricultural income-tax on an income exceeding eight thousand rupees per annum.

Explanation.—Notwithstanding anything contained in the Indian Evidence Act, 1872, where a creditor proves that his debtor is a person assessed to the tax mentioned in sub-clause (i) or sub-clause (ii) or sub-clause (iii) for the period referred to in that sub-clause, the burden of proving that such debtor does not fall under the category specified in that sub-clause shall lie on the debtor;

(iv) a firm registered under the Indian Partnership Act, 1932, or a company as defined in the Companies Act, 1956, or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law.

Explanation.—For the purposes of this clause, the term "person" shall include a family, provided that sub-clauses (i) to (iii), in their application to a family consisting of not less than five members, shall have effect as if for the turnover, total income or income specified therein, twice such turnover, total income or income, as the case may be, were substituted;

(7) "family" means a Hindu undivided family or a Marumakkathayam tarwad or thavazhi or an Aliyasanthana kudumba or kavaru or a Nambudiri illom;

(8) "interest" means any amount or other thing paid or payable in excess of the principal amount borrowed or pecuniary obligation incurred, or, where anything has been borrowed in kind, in excess of what has been so borrowed, by whatsoever name such amount or thing may be called, and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any;

(9) "kudikidappukaran" shall have the same meaning as in clause (25) of section 2 of the Kerala Land Reforms Act, 1963;

(10) "landless labourer" means a person who does not hold any agricultural land and who follows any one or more of the following agricultural occupations in the capacity of a labourer on hire or exchange, whether paid in cash, or in kind or partly in cash and partly in kind:—

(a) farming including cultivation and tillage of soil, etc.;

(b) dairy farming;

(c) production, cultivation, growing and harvesting of any horticultural commodity;

(d) raising of livestock, bees or poultry; and

(e) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations) and preparation for market and delivery to storage or to market or to carriage for transportation of farm products;

(11) "pay", with its grammatical variations, includes deliver;

(12) "prescribed" means prescribed by rules made under this Act;

(13) "principal amount" means the amount originally advanced together with such sum, if any, as has been subsequently advanced, notwithstanding any stipulation to treat any interest as principal and notwithstanding that the debt has been renewed or included in a fresh document, whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest, and whether in favour of the same creditor or his heirs, legal representatives or assigns or of any other person acting on his behalf or in his interest;

(14) "Tribunal" means a Tribunal constituted under section 5.

3. *Discharge of debt.*—Notwithstanding anything contained in any other law for the time being in force, or in any contract or other instrument having force by virtue of any such law, or in any decree or order of court, with effect on and from the commencement of this Act—

(a) every debt and the interest thereon payable by a debtor to a creditor shall be deemed to be wholly discharged;

(b) no civil court shall entertain any suit or other proceeding against a debtor for the recovery of any debt or part of a debt or any interest thereon;

(c) all suits and other proceedings (including appeals, revision petitions, applications for review, proceedings for attachment and execution proceedings) pending at such commencement against any debtor for the recovery of any debt shall abate:

Provided that nothing in this clause shall apply to—

(i) the sale of any movable property conducted and concluded before the commencement of this Act;

(ii) the sale of any immovable property confirmed before such commencement:

Provided further that where a suit or other proceeding is instituted jointly against a debtor and any other person, nothing in this section shall apply to the maintainability of such suit or other proceeding in so far as it relates to such other person;

(d) every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of any debt shall be released;

(e) every movable property pledged by a debtor before the commencement of this Act shall stand released in favour of such debtor and the creditor shall be bound to deliver possession of such property to the debtor;

(f) every mortgage executed by a debtor in favour of a creditor shall stand redeemed and the creditor shall be bound to deliver possession of the mortgaged property to the debtor.

Explanation I.—In this section, the term 'suit' shall not include a claim to a set off made in a suit instituted by a debtor.

Explanation II.—For the purposes of this section, a suit in which a decree in respect of a debt is prayed for shall be deemed to be a suit for the recovery of the debt notwithstanding that other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree in respect of a debt notwithstanding that other reliefs are granted in such decree:

Provided that a suit or decree for possession of land shall not be deemed to be a suit for recovery of, or a decree in respect of, a debt by reason merely of mesne profits being also prayed for or included in such suit or decree.

Explanation III.—Nothing in this section shall debar a decree holder from enforcing reliefs other than in respect of a debt, where the decree contains independent reliefs.

Explanation IV.—Nothing in this section shall be construed as entitling any debtor to the refund of any part of any debt or interest thereon already repaid by him or recovered from him before the commencement of this Act.

4. *Reconveyance of property.*—(1) Any debtor entitled to the delivery of possession of any property under clause (e) or clause (f) of section 3 or any other person on behalf of such debtor may apply to the Tribunal within three months from the commencement of this Act or within such further period as may be notified by the Government in this behalf, for such delivery of possession.

(2) On receipt of an application under sub-section (1), the Tribunal shall make necessary inquiries in respect of such application and, if it is satisfied that the applicant or the person on whose behalf the application has been made is entitled to the delivery of possession of the property mentioned in the application, it shall, by order, direct the person in possession of such property to deliver possession thereof to the applicant or to the person on whose behalf the application has been made, within a period of thirty days from the date of service of the order:

Provided that no order under this sub-section shall be made unless the person in possession of the property has been given a reasonable opportunity of being heard.

(3) Every order made under sub-section (2) shall be served on the person for whom it is intended,—

(a) by delivering or tendering it to that person; or

(b) if it cannot be delivered or tendered to that person, by delivering or tendering it to any officer of such person or any adult member of the family

of such person or by affixing a copy thereof on the outerdoor or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(c) failing service by any of these means, by registered post.

(4) Any person aggrieved by an order of the Tribunal under sub-section (2) may, within a period of thirty days from the date of service of the order, prefer an appeal to the appellate authority, and the decision of the appellate authority on such appeal shall be final and shall not be called in question in any court of law:

Provided that before taking a decision on the appeal, the appellate authority shall give the opposite party an opportunity of being heard.

(5) Where an order under sub-section (2) has not been complied with, and—

(a) an appeal has not been preferred within the time allowed for such appeal; or

(b) an appeal having been preferred has been dismissed,

the Tribunal shall cause the property to which the order relates to be delivered to the debtor by putting him in possession of that property.

5. *Constitution of Tribunals.*—(1) The Government may, by notification in the Gazette, constitute for such area as may be specified therein a Tribunal for the purpose of performing the functions of a Tribunal under this Act.

(2) A Tribunal shall consist of a sole member who shall be an officer not below the rank of Tahsildar appointed by the Government.

6. *Appointment of appellate authorities.*—(1) The Government may, by notification in the Gazette, appoint for such area as may be specified therein an appellate authority for the purposes of this Act.

(2) An appellate authority shall be an officer not below the rank of Revenue Divisional Officer.

7. *Powers of Tribunal and appellate authority.*—(1) Every Tribunal and every appellate authority shall have the powers of a civil court while trying a suit under the Gode of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) any other matter which may be prescribed.

(2) The decisions of the Tribunals and the appellate authorities under this Act shall have the force of a decree of a civil court.

8. *Legal practitioners not to appear before Tribunals and appellate authorities.*—Notwithstanding anything contained in any law for the time being in force, no legal practitioner shall be allowed to appear in any proceedings before a Tribunal or an appellate authority under this Act.

9. *Burden of proof.*—Notwithstanding anything contained in any law for the time being in force, in any suit or other proceeding, the burden of proving that a debtor is not entitled to protection under the provisions of this Act shall be on the creditor.

10. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to decide or deal with any question or to determine any matter which is, by or under this Act, required to be decided or dealt with, or to be determined by, the Tribunal or the appellate authority.

11. *Act to over-ride other laws, contracts, etc.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or in any other law for the time being in force, or in any custom, usage or contract, or in any decree or order of a court or other authority.

12. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. *Repeal and saving.*—(1) The Kerala Debtors (Temporary Relief) Act, 1975 (30 of 1975) and the Kerala Debt Relief Ordinance, 1977 (1 of 1977), are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Debt Relief Ordinance 1977 (1 of 1977), anything done or any action taken under that Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala Debtors Temporary (Relief) Act, 1975 (30 of 1975), provided for a moratorium on the recovery of debts due from certain categories of persons for a period of one year from the 14th October, 1975 or for such longer period as may be specified by the Government by notification in the Gazette. The period of operation of the Act was extended till the 14th January, 1977. The beneficiaries of this moratorium were mainly indigent agriculturists, landless labourers, artisans and kudikidappukars. This temporary legislation was enacted pending enactment of a legislation for giving permanent relief to such debtors. The legislation for giving permanent relief to these debtors had therefore to come into force before the expiry of the extended period. It was also decided to extend the benefit of the proposed legislation to all persons whose annual income does not exceed Rs. 2,400 besides landless labourers, artisans and kudikidappukars.

2. As the Legislative Assembly was not in session and as the proposal had to be given effect to before the 14th January, 1977, the Kerala Debt Relief Ordinance, 1977 (1 of 1977) was promulgated by the Governor on the 13th day of January, 1977. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to empower the Government to constitute tribunals and clause 6 seeks to empower the Government to appoint appellate authorities. A tribunal shall consist of a sole member who shall be an officer not below the rank of Tahsildar and an appellate authority shall be an officer not below the rank of Revenue Divisional Officer.

2. It is proposed to empower the Tahsildars and Revenue Divisional Officers to perform the functions of the tribunal and the appellate authority respectively, in addition to their normal duties. No additional staff will be required to assist the tribunals and appellate authorities in the performance of their functions under the Act. Therefore, no additional expenditure is likely to be incurred if the Bill is enacted and brought into operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under sub-clause (1) of clause 4 of the Bill, the Government may notify the further period within which a debtor may apply to the Tribunal for delivery of possession of property.

2. Clause 5 of the Bill seeks to empower the Government to constitute, by notification in the Gazette, Tribunals for the purpose of performing the functions of a Tribunal under the Act.

3. Clause 6 seeks to empower the Government to appoint, by notification in the Gazette, Appellate Authorities for the purposes of the Act.

4. Under clause 7, the Government may prescribe the matters in respect of which Tribunals and Appellate Authorities may exercise the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.

5. Clause 12 seeks to empower the Government to make rules for carrying out the purposes of the Act.

6. The matters in respect of which notifications may be issued or rules may be made are matters of administrative or routine nature or matters of detail. Further, the rules, after they are made, are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is, thus, of a normal character.

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GOVERNMENT OF KERALA

Public Works (Transport B) Department

NOTIFICATION

No. 61740/TB1/76/PW. *Dated, Trivandrum, 2nd April 1977.*

S. R. O. No. 288/77.—The following draft of an amendment to the Kerala Motor Vehicles Rules, 1961, which the Government of Kerala propose to make in exercise of the powers conferred by clause (za) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) is hereby published for general information as required by sub-section (1) of section 133 of the said Act.

Notice is hereby given that the said draft will be taken up for consideration on or after 5-5-1977.

Objections or suggestions, if any, which may be received in respect of the said draft before the date specified above, will be considered by the Government. Objections and suggestions shall be addressed to the Special Secretary to Government, Public Works (Transport B) Department, Government Secretariat, Trivandrum.

33/1025/MC

Draft Amendments

In the said Rules, in Chapter VI, Part IV C, under the heading, "Special rules applicable to All India Tourist Vehicles" for rules 329-C and 329-D the following rules shall be substituted, namely:—

"329 C I. Grant of permits for Tourist Vehicles for All India Operation.

(i) *Quota of permits for different regions in the State.*—The number of permits specified by the Central Government in respect of this State under sub-section (7) of section 63 of the Act may be allotted by the State Transport Authority for the different regions in the State according to necessity, from time to time.

(ii) *Form of application.*—An application for an All India Tourist Permit shall be made, in duplicate, in form "TVPA".

(iii) *Fee for application.*—An application under clause (ii) shall be accompanied by an original receipt for Rs. 100 in the case of an All India Tourist Motor Cab permit and Rs. 200 in the case of an All India Tourist Omnibus permit, obtained from any Regional Transport Office or Government Treasury in the State towards fee for the grant of permit.

(iv) *Security deposit.*—An application under clause (ii) for the grant of a permit in respect of each vehicle shall also be accompanied by a chalan remittance under the head of account "Revenue Deposits" towards the security deposit for such amount as may be specified by the Central Government under sub-section (8) of section 68 of the Act.

(v) *Consideration of Application.*—Every application for the grant of a permit shall be considered by the State Transport Authority in accordance with the procedure laid down in sections 50 and 57 of the Act. The State Transport Authority shall also take into consideration the suitability of the vehicle for tourist purposes, the experience of the applicant in tourist trade, the bonafides of the applicant and the interest of the public generally, as ascertained by such enquiries as may be deemed necessary and also follow the following guide lines:—

(a) Public Sector undertaking of Central/State Government and private tourist car operators who are on the approved list of the department of tourism and who have some foreign exchange earnings at their credit may be given preference over others;

(b) In the case of approved private operators, the number of permits should be limited to the amount of foreign exchange earnings; and

(c) For the allotment of permit for coaches, preference should be given to the owners of air conditioned coaches and the next preference for deluxe coaches:

Provided that if the grant of permit in accordance with the application would have the effect of increasing the number of vehicles having such permits beyond the limit fixed in that behalf by the Central Government, the State Transport Authority shall summarily reject the application.

(vi) *Form of permit.*—The permit granted by the State Transport Authority shall be issued in form "T. V. P." in parts A and B.

(vii) *Issue of permit.*—On receipt of the order sanctioning the permit the grantee shall, within the prescribed period, produce the current records of the vehicle including the certificate of registration, certificate of fitness, certificate of insurance, evidence for payment of tax due under the provisions of the relevant Taxation Act and a certificate from the Registering Authority concerned to the effect that the vehicle in respect of which the permit is to be issued, conforms to the description, requirement regarding the seating capacity, standards of comforts, amenities and other matters which the Central Government specify from time to time under clause (i) of sub-section (10) of section 63 of the Act.

(viii) *Conditions of permit.*—While issuing the permit, the State Transport Authority may attach such other conditions as may be specified by the Central Government under clause (iii) of sub-section (10) of section 63 of the Act.

II *Renewal of permit.*—(i) An application for the renewal of the permit shall be made, in duplicate, in form "T. V. P. A."

(ii) *Fee for renewal.*—The fee for renewal of the permit shall be half the fee prescribed under clause (iii) of sub-rule I.

III *Fares.*—The fares for an All India Tourist Vehicles shall be fixed, from time to time, by the State Transport Authority in accordance with the directions of Government issued under section 43 of the Act.

IV *Validity of permit issued in other States.*—An All India Tourist permit for country-wide operation granted in any other State/Union Territory shall be valid in this State, without countersignature:

Provided that there is in force in that other State/Union Territory a rule/rules conforming to or containing substantially the same provisions as in this Rule.

V *Qualification of driver and conditions to be satisfied.*—The driver of a tourist vehicle shall possess such qualifications and shall satisfy such conditions as may be specified by the Central Government under clause (ii) of sub-section (10) of section 63 of the Act.

FORM T. V. P. A.

[*See* Rule 329 C I(ii) & II (i)]

Application for the grant/renewal of an All India Tourist permit

To

The State Transport Authority,
Kerala, Trivandrum.

I/We the undersigned apply for the issue/renewal of an All India Tourist Permit.

1. Full name of applicant
2. Name of father or husband (in the case of individual)
3. Full Address
4. Name of District
5. Status of the applicant (whether individual, partnership firm etc.)
6. Details of the vehicles for which All India Permit is sought
   (a) Registration mark
   (b) Make
   (c) Year of manufacture
   (d) Date of registration as new
   (e) Type of body
   (f) Seating capacity
   (g) Colour of body
   (h) Whether air conditioned/ deluxe coach
7. Particulars of permit, if any, held by the applicant in respect of the vehicle for which an All India Tourist Permit is applied for
   (a) Number of permit
   (b) Authority by which issued
   (c) Validity
   (d) Area of operation
   (e) Details of countersignature if any

8. Particulars of other tourist vehicles owned by the applicant

Regn. Mark	*Seating capacity*	*Permit No.*	*Validity from*	*to*
(a) Permitted for countrywide operation				
(b) Permitted for zonal operation				
(c) Permitted for intra-State operation				
(d) Permitted for inter-State operation				

9. Details of experience on inter-State routes

10. Whether a public sector undertaking of Central/State Government

11. Whether the applicant is in the approved list of the Department of Tourism (Furnish attested copy of certificate)

12. Details of foreign exchange earned during the past three years with proof thereof from the concerned authority

13. Any other special claims for All India Tourist Permit

14. Details of punishments awarded during the past three years in respect of the vehicles owned by the applicant

15. Particulars of remittance towards fee for the grant/renewal of permit

16. Particulars of remittance towards security deposit

17. I/We hereby declare that the above statement are true and undertake to avail the permit, if granted, in accordance with its terms and conditions and in conformity with the provisions of the Motor Vehicles Act, 1939 (Act IV of 1939) and the rules made thereunder from time to time.

Signature of applicant.

Note: 1. Append separate sheet if the details are extensive.

2. Strike out, whichever is inapplicable.

FORM "T.V.P."

Permit in respect of particular All India Tourist Vehicle

[*See* Rule 329 C I (vi)]

PART A

(To be kept by the holder)

STATE TRANSPORT AUTHORITY, KERALA

Permit No. T.V.P.:

1. Name of holder
2. Name of father/husband (in the case of individual)
3. Address
4. Registration particulars of the vehicle:
   - (a) Registration mark
   - (b) Make
   - (c) Year of manufacture
   - (d) Date of registration as new
   - (e) Type of body
   - (f) Maximum passenger capacity
5. Area for which the permit is valid
6. Period of validity From To
7. Rate of fare per Kilometre
8. This permit does not entitle the holder to use the vehicle herein described as a stage carriage or as a public carrier.
9. Conditions other than those specified in item 1 to 8 above and those under sub-section (3) of section 59 and sub-section (10) of section 63 of the Motor Vehicles Act, 1939.

Place:

Date:

Secretary,

State Transport Authority.

Renewals

Permit No. T. V. P.

This permit is renewed upto the..................day of 19...... subject to the following further conditions.

Place:

Date:

Secretary,

State Transport Authority.

FORM "T. V. P."

Permit in respect of particular All India Tourist Vehicle

[*See* Rule 329 C I (vi)]

PART B

(To be carried on the vehicle)

State Transport Authority, Kerala

Permit No. T.V.P.

1. Name of holder
2. Name of father/husband (in the case of individual)
3. Address
4. Registration particulars of the vehicle:
   (a) Registration mark
   (b) Make
   (c) Year of manufacture
   (d) Date of registration as new
   (e) Type of body
   (f) Maximum passenger capacity
5. Area for which the permit is valid
6. Period of validity — From — To
7. Rate of fare per kilometre

8. This permit does not entitle the holder to use the vehicle herein described as a stage carriage or as a public carrier.

9. Conditions other than those specified in items 1 to 8 above and those under sub-section (3) of section 59 and sub-section (10) of Section 63 of the Motor Vehicles Act, 1939.

Place: *Secretary,*

Date: *State Transport Authority.*

Renewals

Permit No. T.V.P.

This permit is renewed upto the.......... day of................ 19...........subject to the following further conditions.

Place: *Secretary,*

Date: *State Transport Authority.*

By order of the Governor,
N. R. AUGUSTINE,
Joint Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to bring out the main purport.)

Section 63 of the Act, 1939 was amended by the Motor Vehicle (Amendment) Act, 1969 (Act 56 of 1969), inserting sub-sections (7) to (10), laying down the provision regarding the grant of All India Tourist Permits. Sub-section (7) provides to frame rules for the purpose of carrying into effect the provision contained in the sub-sections, newly inserted.

This amendment is intended to achieve the above object.

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date of its constitution and therefore, the term of the existing Taluk Land Boards will expire on 5-4-1977. Government have decided to extend the term of the existing Taluk Land Boards by three months by suitably amending rule 137A of the Kerala Land Reforms (Tenancy) Rules, 1970. This notification is intended to achieve the above object.

II

G. O. MS. No. 536/77/RD. *Dated, Trivandrum, 4th April* 1977.

S. R. O. No. 291/77.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964) the Government of Kerala hereby make the following amendment to the notification issued in G.O.MS. No. 311/75/RD. dated the 4th April, 1975, and published as S. R. O. No. 305/75 in the Kerala Gazette extraordinary No. 174 dated the 4th April, 1975, as subsequently amended, namely:—

AMENDMENT

In the said notification, in the preamble, for the words "a period of two years" the words "a period of two years and three months" shall be substituted.

Explanatory Note

Rule 137A of the Kerala Land Reforms (Tenancy) Rules, 1970 has been amended so as to provide that the term of office of the Taluk Land Board shall be two years and three months from the date of its constitution. Therefore the notification issued in G. O. MS. No. 311/75/RD dated 4th April, 1975 constituting the Taluk Land Boards has also to be amended making the term of office of the Taluk Land Boards as two years and three months. This notification is intended to achieve the above object.

By order of the Governor,

K. KRISHNAN NAIR,
Deputy Secretary to Government.

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